ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

Department of Public Protection

Kentucky Horse Racing Authority

(As Amended at ARRS, December 13, 2005)

810 KAR 1:018. Medication; testing procedures; prohibited practices.

RELATES TO: KRS 230.210(9), 230.215, 230.240(2), 230.260(1), (2), (3), (6), (7), 230.265(2), 230.290(2), 230.320(1)

STATUTORY AUTHORITY: KRS 230.215(2), 230.240(2), 230.260 (3), 30.320(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) authorizes the Kentucky Horse Racing Authority to promulgate administrative regulations prescribing conditions under which all legitimate horse racing and wagering thereon is conducted in the Commonwealth. KRS 230.240(2) requires the Authority to promulgate administrative regulations restricting or prohibiting the administration of drugs or stimulants or other improper acts to horses prior to the horse participating in a race. This administrative regulation establishes requirements and controls in the administration of drugs, medications, and substances to horses, governs certain prohibited practices, and establishes trainer responsibilities relating to the health and fitness of horses.

Section 1. Definitions. (1) "Administer" means to apply to or cause the introduction of a substance into the body of a horse.

(2) "Authority laboratory" means a laboratory chosen by the Authority to test saliva, urine, blood, or other samples or specimens from horses taken under the supervision of the Authority veterinarian.

(3) "Location under the jurisdiction of the Authority" or "Association grounds" means a track as defined in KRS 230.210(9).

(4) "Permitted NSAIDs" means the following Permitted Non-steroidal Anti-inflammatory Drugs: Phenylbutazone, Flunixin, and Ketoprofen, if administered in compliance with Section 8 of this administrative regulation.

(5) "Positive finding" means the Authority laboratory has conducted testing and determined that a drug, medication, or substance, the use of which is restricted or prohibited by this administrative regulation, was present in the sample. For the drugs, medications, or substances listed in Section 2(3), 6, or 8 of this administrative regulation, it shall be necessary to have a finding in excess of the established concentration level as provided in this administrative regulation for the finding to be considered a positive finding. Positive findings also include:

(a) Substances present in the horse in excess of concentrations at which such substances could occur naturally; and

(b) Substances foreign to a horse at concentrations that cause interference with testing procedures.

(6) "Split sample" means the split sample portion of the saliva, urine, blood, or other sample or specimen taken under the supervision of the Authority veterinarian.

(7) "Split sample laboratory" means the laboratory approved by the Authority to test the split sample portion of the saliva, urine, blood, or other samples or specimens from horses taken under the supervision of the Authority veterinarian.

(8) "Test barn" means a fenced enclosure sufficient in size and facilities to accommodate the stabling of horses temporarily detained for obtaining sample specimens for prerace and postrace testing.

Section 2. Use of Medication. (1) Therapeutic measures and medication necessary to improve or protect the health of a horse shall be administered to a horse in training under the direction of a licensed veterinarian .

(2) Except as otherwise provided in Sections 4, 5, 6, and 8 of this administrative regulation, while participating in a race, a horse shall not carry in its body any drug, medication, substance, or metabolic derivative, that:

(a) Is a narcotic;

(b) Could serve as an anesthetic or tranquilizer;

(c) Could stimulate, depress, or affect the circulatory, respiratory, cardiovascular, musculoskeletal, or central nervous system of a horse; or

(d) Might mask or screen the presence of a prohibited drug, or prevent or delay testing procedures.

(3) Therapeutic medications in excess of established threshold concentrations set forth in this administrative regulation shall be prohibited. The threshold for furosemide is set forth in Section 6 of this administrative regulation. The thresholds for permitted NSAIDs are set forth in Section 8 of this administrated regulation.

(4) A substance present in a horse in excess of a concentration at which the substance could occur naturally shall be prohibited if it affects the performance of the horse. It shall be the responsibility of the Authority to prove that the substance was in excess of normal concentration levels and that it affected the performance of the horse.

(5) It shall be prima facie evidence that a horse was administered and carried, while running in a race, a drug, medication, substance, or metabolic derivative thereof prohibited by this section if:

(a) A saliva, urine, blood, or other sample or specimen from the horse was taken under the supervision of the Authority veterinarian promptly after a horse ran in a race; and

(b) The Authority laboratory presents to the Authority a report of a positive finding.

(6) The Authority shall utilize the "Kentucky Horse Racing Authority Uniform Drug and Medication Classification Schedule" (11-05) for classification of drugs and medications violating this administrative regulation. Penalties for violations of this administrative regulation shall be implemented in accordance with 810 KAR 1:028.

Section 3. Treatment Restrictions. (1) Except as provided in Section 4 of this administrative regulation, a person other than a veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the Authority shall not administer a prescription or controlled drug, medication, or other substance to a horse at a location under the jurisdiction of the Authority.

(2) The only injectables allowed within twenty-four (24) hours prior to post time of the race in which the horse is entered shall be furosemide and the permitted adjunct bleeder medications as set forth in Section 6 of this administrative regulation.

(3) Except as provided by subsection (5) of this section, a person other than a veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the Authority shall not possess a hypodermic needle, syringe, or injectable of any kind at a location under the jurisdiction of the Authority.

(4) A veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the Authority shall use only one (1)-time disposable needles, and shall dispose of them in a container provided by the Authority veterinarian.

(5) If a person regulated by the Authority has a medical condition which makes it necessary to have a needle and syringe at a location under the jurisdiction of the Authority, the person shall request prior permission from the stewards and furnish a letter from a licensed physician explaining why it is necessary for the person to possess a needle and syringe. The stewards may grant approval for a person to possess and use a needle and syringes at a location under the jurisdiction of the Authority but may also establish necessary restrictions and limitations.

(6) An Authority employee may accompany a veterinarian at a location under the jurisdiction of the Authority and take possession of a syringe, needle, or other device used to administer a substance to a horse.

Section 4. Certain Permitted Substances. Liniments, antiseptics, antibiotics, ointments, leg paints, washes, and other products commonly used in the daily care of horses may be administered by a person, other than a licensed veterinarian if:

(1) The treatment does not include any drug, medication, or substance otherwise prohibited;

(2) The treatment is not injected; and

(3) The person is acting under the direction of a licensed trainer or veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the Authority.

Section 5. Antiulcer Medications. The following antiulcer medications shall be permitted to be administered orally, at the dosage stated in this section, up to twenty-four (24) hours prior to the race in which the horse is entered:

(1) Cimetidine (Tagamet®): 8-20 mg/kg;

(2) Omeprazole (Gastrogard®): two and two-tenths (2.2) grams; and

(3) Ranitidine (Zantac®): eight (8) mg/kg.

Section 6. Furosemide and Adjunct Bleeder Medication; Use on Raceday. (1) Furosemide may be administered, in accordance with this section, to a horse that is entered to compete in a race.

(2) The use of furosemide shall be permitted under the following circumstances:

(a) Furosemide shall be administered at a location under the jurisdiction of the Authority, by a single intravenous injection, not less than four (4) hours prior to post time for the race in which the horse is entered.

(b) The syringe employed in the injection shall be provided immediately to the Authority veterinarian, steward, or Authority employee, if requested, to determine if there has been a violation of this administrative regulation.

(c) The furosemide dosage administered shall not exceed 500 mg, nor be less than 150 mg.

(d) The specific gravity of a post-race urine sample shall not be below 1.010. If the specific gravity of the post-race urine sample is determined to be below 1.010, a quantification of furosemide in serum or plasma shall be performed. Concentrations above 100 nanograms of furosemide per milliliter of serum or plasma shall constitute a violation of this section.

(e) A horse eligible to receive furosemide pursuant to Section 7 [4] of this administrative regulation that does not show a detectable concentration of the drug in the post-race urine, plasma, or serum shall be in violation of this administrative regulation.

(3) Up to two (2) of the following adjunct bleeder medications may be administered to a horse not less than four (4) hours prior to post time for the race in which the horse is entered:

(a) Aminocaproic acid:

(b) Carbazochrome:

(c) Conjugated estrogens; and

(d) Tranexamic acid.

Section 7. Furosemide Eligibility. (1)(a) A horse shall be eligible to race with furosemide if the licensed trainer or licensed veterinarian determines that it would be in the horse's best interests to race with furosemide.

(b) Horses eligible for furosemide and entered to start may be monitored by an Authority-approved representative during the four (4) hour period prior to post time of the race in which the horse is entered.

(2) A horse eligible for furosemide shall receive furosemide unless the licensed trainer or licensed veterinarian submits a written request to the Authority veterinarian to no longer administer furosemide to the horse. The request shall be on forms provided by the Authority veterinarian and shall be submitted to the Authority-approved representative not later than time of entry.

(3)(a) After a horse has been determined by the Authority veterinarian to no longer be required to receive furosemide, the horse shall not be eligible to receive furosemide for a period of sixty (60) calendar days unless it is determined by the trainer or veterinarian, in consultation with the Authority veterinarian, that it is detrimental to the welfare of the horse to not be on furosemide.

(b) If a horse is determined by the Authority veterinarian to be ineligible to receive furosemide a second time in a three hundred sixty-five day period, the horse shall not be eligible to receive furosemide for a period of ninety (90) calendar days.

(4) A horse that has been placed on a furosemide or bleeder list in another jurisdiction may be eligible to receive furosemide in this jurisdiction.

Section 8. Permitted Nonsteroidal Anti-inflammatory Drugs (NSAIDs).

(1) The use of one (1) of the following NSAIDs shall be permitted by a single intravenous injection not less than twenty-four (24) hours before post time for the race in which the horse is entered provided the concentration in the horse's sample or specimen does not exceed the following levels when tested post race:

(a) Phenylbutazone - not to exceed five (5) micrograms per milliliter of plasma or serum;

(b) Flunixin - not to exceed twenty (20) nanograms per milliliter of plasma or serum;

(c) Ketoprofen - not to exceed ten (10) nanograms per milliliter of plasma or serum.

(2) Administration of one (1) of the permitted NSAIDs or any other NSAID within twenty-four (24) hours before post time for the race in which the horse is entered shall be prohibited.

(3)(a) The use of any NSAID other than permitted NSAIDs, and the use of multiple permitted NSAIDs shall be discontinued at least forty-eight (48) hours before post time for the race in which the horse is entered.

(b) A finding of phenylbutazone below a concentration of one (1) microgram per milliliter of plasma or serum shall not constitute a violation of this section.

(4) A horse that has been administered a NSAID shall be subject to a saliva, urine, blood, or other sample or specimen being taken under the supervision of the Authority veterinarian to determine the quantitative NSAID level present in the horse or the presence of other drugs in the horse.

Section 9. Test Barn. (1) During a licensed meet, a licensed association shall provide and maintain on association grounds a test barn.

(2) The test barn shall be a fenced enclosure sufficient in size and facilities to accommodate the stabling of horses temporarily detained for the taking of sample specimens for prerace or post-race testing.

(3) The test barn shall be under the supervision and control of the Authority veterinarian.

Section 10. Sample Collection, Testing, and Reporting. (1) Sample collection shall be done in accordance with the instructions provided by the Authority veterinarian. The Authority veterinarian shall take a sample from a horse that finished first in a race and a horse or horses designed by the stewards to determine if there has been a violation of this administrative regulation.

(2) The Authority veterinarian shall determine a minimum sample requirement for the Authority laboratory which shall be uniform for each horse.

(a) If the specimen obtained from a horse is less than the minimum sample requirement, the entire specimen shall be sent to the Authority laboratory.

(b) If a specimen obtained is greater than the minimum sample requirement but less than twice that amount, the portion of the sample that is greater than the minimum sample requirement shall be secured as the split sample.

(c) If a specimen obtained is greater than twice the minimum sample requirement, a portion of the sample approximately equal to the amount provided for the Authority laboratory shall be secured as the split sample.

(3) An owner or trainer may request that a split sample be:

(a) Taken from a horse he owns or trains by the Authority veterinarian; and

(b) Tested by the split sample laboratory.

(4) The cost of testing under subsection (3) of this section, including shipping, shall be borne by the owner or trainer requesting the test.

(5)(a) Stable equipment other than that necessary for washing and cooling out a horse shall not be permitted in the test barn.

(b) Buckets and water shall be furnished by the Authority veterinarian.

(c) If a body brace is to be used on a horse, it shall:

1. Be supplied by the trainer, and

2. Administered only with the permission and in the presence of the Authority veterinarian.

(d) A licensed veterinarian may attend to a horse in the test barn, but only with the permission and in the presence of the Authority veterinarian.

(6) Within five (5) business days of receipt of notification by the Authority laboratory of a positive finding, the Authority shall notify the owner and trainer orally or in writing of the positive finding.

(7) The stewards shall schedule a hearing within fourteen (14) calendar days of notification by the Authority to the owner and trainer. The hearing may be continued if the stewards determine a continuation is necessary to effectively resolve the issue

Section 11. Storage and Shipment of Split Samples. (1) Split samples shall be secured and made available for further testing in accordance with the following procedures:

(a) Split samples shall be secured in the test barn in the same manner as the samples for shipment to the Authority laboratory, addressed in Section 10 of this administrative regulation, until the split samples are packed and secured for shipment to the Authority laboratory. Split samples shall then be transferred to a freezer at a secure location approved and chosen by the Authority.

(b) A freezer for storage of split samples shall be equipped with a lock. The lock shall be secured to prevent access to the freezer at all times except as specifically provided by paragraph (c) of this subsection.

(c) A freezer for storage of split samples shall be opened only for depositing or removing split samples, for inventory, or for checking the condition of samples.

(d) A log shall be maintained by the Authority veterinarian that shall be used each time a split sample freezer is opened to specify each person in attendance, the purpose for opening the freezer, identification of split samples deposited or removed, the date and time the freezer was opened, the time the freezer was closed, and verification that the lock was secured prior to and after opening of the freezer. An Authority veterinarian or his or her designee shall be present when the freezer is opened.

(e) Evidence of a malfunction of a split sample freezer or samples that are not in a frozen condition during storage shall be documented in the log.

(f) The Authority shall be considered the owner of a split sample.

(2)(a) A trainer or owner of a horse receiving notice of a positive finding may request that a split sample corresponding to the portion of the specimen tested by the Authority laboratory be sent to split sample laboratory. The party requesting the split sample shall select from a list of laboratories approved by the Authority to perform the analysis.

(b) The request shall be made in writing and delivered to the stewards within three (3) business days after the trainer and owner of the horse receives oral or written notice of the positive findings of the Authority laboratory

(c) A split sample so requested shall be shipped as expeditiously as possible.

(3)(a) The owner or trainer requesting testing of a split sample shall be responsible for the cost of such testing, including the cost of shipping.

(b) Failure of the owner, trainer, or a designee to appear at the time and place designated by the Authority veterinarian in connection with securing, maintaining, or shipping the split sample shall constitute a waiver of any right to be present during split sample testing procedures.

(c) Prior to shipment of the split sample, the Authority shall confirm:

1. That the split sample laboratory has agreed to provide the testing requested;

2. That the split sample laboratory has agreed to send results to both the person requesting the testing and the Authority; and

3. That arrangements for payment satisfactory to the split sample laboratory have been made.

(d) The Authority shall maintain a list of laboratories approved for the testing of split samples and the list shall be on file at the offices of the Authority.

Section 12. Split Sample Chain of Custody. (1) Prior to opening the split sample freezer, the Authority shall provide a split sample chain of custody verification form. The form to be used shall be the "Split Sample Chain of Custody Form". The form shall be fully completed during the retrieval, packaging, and shipment of the split sample and shall contain the following information:

(a) The date and time the sample is removed from the split sample freezer;

(b) The sample number; and

(c) The address where the split sample is to be sent.

(2) A split sample shall be removed from the split sample freezer by an Authority employee after notice to the owner, trainer, or designee thereof and an Authority-designated representative shall pack the split sample for shipment in accordance with the packaging procedures directed by the Authority. A form shall be signed by both the owner's representative, if present, and the Authority representative to confirm the proper packaging of the split sample for shipment. The exterior of the package shall be secured and sealed to prevent tampering with the package.

(3) The owner, trainer, or designee, if present, may inspect the package containing the split sample immediately prior to transfer to the delivery carrier to verify that the package is intact and has not been tampered with.

(4) The split sample chain of custody verification form shall be completed and signed by the representative of the Authority and the owner, trainer, or designee, if present.

(5) The Authority representative shall retain the original split sample chain of custody verification form and provide a copy for the owner, trainer, or designee, if requested.

Section 13. Medical Labeling. (1) A licensee on association grounds shall not have within his or her possession, or within his or her personal control, a drug, medication, or other substance that is prohibited from being administered to a horse on a race day unless the product is properly and accurately labeled.

(2) A drug or medication which, by federal or state law, requires a prescription shall not be used or kept on association grounds unless validly prescribed by a duly-licensed veterinarian.

(3) Medications shall bear a prescription label which is securely attached and clearly ascribed to show the following:

(a) The name of the product;

(b) The name, address, and telephone number of the veterinarian prescribing or dispensing the product;

(c) The name of the horse for which the product is intended or prescribed;

(d) The dosage, duration of treatment, and expiration date of the prescribed or dispensed product; and

(e) The name of the trainer to whom the product was dispensed.

Section 14. Trainer Responsibility. (1) A trainer shall be responsible for the condition of horses in his or her care.

(2) A trainer shall be responsible for the presence of a prohibited drug, medication, substance or metabolic derivative, including permitted medication in excess of the maximum-allowable concentration, in horses in his or her care.

(3) A trainer shall prevent the administration of a drug, medication, substance, or metabolic derivative that may constitute a violation of this administrative regulation.

(4) A trainer whose horse has been claimed shall remain responsible for a violation of this administrative regulation regarding that horse's participation in the race in which the horse is claimed.

(5) A trainer shall be responsible for:

(a) Maintaining the assigned stable area in a clean, neat, and sanitary condition at all times;

(b) Using the services of those veterinarians licensed by the Authority to attend to horses that are on association grounds;

(c) The proper identity, custody, care, health, condition, and safety of horses in his or her care;

(d) Promptly reporting the alteration of the sex of a horse to the horse identifier and the racing secretary;

(e) Promptly reporting to the racing secretary and the Authority veterinarian when a posterior digital neurectomy (heel nerving) is performed on a horse in his or her care and ensuring that this fact is designated on its certificate of registration;

(f) Promptly reporting to the racing secretary the names of mares that have been bred and are entered to race;

(g) Promptly notifying the Authority veterinarian of a reportable disease or communicable illness in a horse in his or her care;

(h) Promptly reporting the serious injury or death of a horse in his or her care at a location under the jurisdiction of the Authority to the stewards and the Authority veterinarian and ensuring compliance with Section 21 of this administrative regulation governing postmortem examinations;

(i) Maintaining a medication record and medication status of horses in his or her care;

(j) Promptly notifying the stewards and the Authority veterinarian if the trainer has knowledge or reason to believe that there has been an administration to a horse of a drug, medication, or other substance prohibited by this administrative regulation or has knowledge or reason to believe that a prohibited practice has occurred as set forth in Section 19 of this administrative regulation;

(k) Ensuring the fitness of every horse in his or her care to perform creditably at the distance entered;

(l) Ensuring that every horse he or she has entered to race is present at its assigned stall for a prerace soundness inspection as prescribed by 810 KAR 1:024, Section 4(1)(d) and (l) and Section 4(2);

(m) Ensuring proper bandages, equipment, and shoes;

(n) Ensuring the horse’s presence in the paddock at least twenty (20) minutes before post time or at a time otherwise prescribed before the race in which the horse is entered;

(o) Personally attending in the paddock and supervising the saddling of a horse in his or her care, unless an assistant trainer fulfills such duties or the trainer is excused by the stewards pursuant to 810 KAR 1:008, Section 3(6); and

(p) Attending the collection of a saliva, urine, blood, or other sample or specimen taken from a horse in his or her care or delegating a licensed employee or the owner to do so.

Section 15. Licensed Veterinarians. (1) A veterinarian licensed by the Authority and practicing at a location under the jurisdiction of the Authority shall at all times be considered under the supervision of the Authority veterinarian and the stewards. A

veterinarian shall report to the stewards or the Authority veterinarian a violation of this administrative regulation by a licensee.

Section 16. Veterinarians' Reports. (1) A veterinarian who treats a horse at a location under the jurisdiction of the Authority shall submit a KHRA-2 form, "Veterinarian Report of Horses Treated to be Submitted Daily," to the Authority veterinarian containing the following information:

(a) The name of the horse treated;

(b) The type and dosage of drug or medication administered or prescribed;

(c) The name of the trainer of the horse;

(d) The date and time of treatment; and

(e) Other pertinent treatment information requested by the Authority veterinarian.

(2) The KHRA-2 form shall be signed by the treating practicing veterinarian.

(3) The KHRA-2 form shall be on file not later than the time prescribed on the next race day by the Authority veterinarian.

(4) The KHRA-2 form shall be confidential, and its content shall not be disclosed except in the course of an investigation of a possible violation of this administrative regulation or in a proceeding before the stewards or the Authority, or to the trainer or owner of record at the time of treatment.

(5) A timely and accurate filing of a KHRA-2 form by the veterinarian or his designee that is consistent with the analytical results of a positive test reported by the Authority laboratory may be used as a mitigating factor in determining the appropriate penalties pursuant to 810 KAR 1:028.

(6) A veterinarian having knowledge or reason to believe that a horse entered in a race has received a drug, medication, or substance prohibited under this administrative regulation or has knowledge or reason to believe that a prohibited practice has occurred as set forth in Section 19 of this administrative regulation shall report this fact immediately to the Authority veterinarian or to the stewards.

(7) A practicing veterinarian shall maintain records of all horses treated and of all medications sold or dispensed. Such records shall include:

(a) The name of the horse;

(b) The trainer of the horse;

(c) The date, time, amount, and type of medication administered;

(d) The drug or compound administered;

(e) The method of administration; and

(f) The diagnosis.

The records shall be retained for at least sixty (60) days after the horse has raced and shall be available for inspection by the Authority personnel.

Section 17. Veterinarian's List. (1) The Authority veterinarian shall maintain a list of horses determined to be unfit to compete in a race due to illness, physical distress, unsoundness, infirmity, or other medical condition.

(2) A horse may be removed from the veterinarian's list when, in the opinion of the Authority veterinarian, the horse is capable of competing in a race.

(3) The Authority veterinarian shall maintain a bleeder list of all horses that have demonstrated external evidence of exercise-induced pulmonary hemorrhage during or after a race or workout as observed by the Authority veterinarian.

(4) Every horse that is a confirmed bleeder, regardless of age, shall be placed on the bleeder list and be ineligible to race for the following time periods:

(a) First incident - fourteen (14) days;

(b) Second incident within a three hundred sixty-five (365) day period - thirty (30) days;

(c) Third incident within a three hundred sixty-five (365) day period - one hundred eighty (180) days;

(d) Fourth incident within a three hundred sixty-five (365) day period - barred from racing for life.

(5) For the purpose of counting the number of days a horse is ineligible to run, the day after the horse bled externally shall be the first day of the recovery period.

(6) The voluntary administration of furosemide without an external bleeding incident shall not subject a horse to the initial period of ineligibility as defined in this section.

(7) A horse shall be removed from the bleeder list only upon the direction of the Authority veterinarian, who shall certify in writing to the stewards the recommendation for removal.

(8) A horse that has been placed on a bleeder list in another jurisdiction may be placed on the bleeder list maintained by the Authority veterinarian.

Section 18. Distribution of Purses, Barn Searches, and Retention of Samples. (1) Purse money shall be distributed seventy-two (72) hours after a race unless the Authority laboratory has issued a preliminary or final report indicating the presence of a prohibited drug, medication, substance, or metabolic derivative in the saliva, urine, blood, body fluids, or other sample or specimen taken from a horse.

(2) The distribution of purse money prior to the issuance of a final laboratory report shall not be considered a finding that no prohibited drug, medication, substance, or metabolic derivative has been administered to a horse.

(3) After the Authority laboratory issues a positive finding, the Executive Director of the Authority or the stewards shall immediately authorize and execute an investigation into the circumstances surrounding the incident that is the subject of the positive finding.

(4) At the conclusion of the investigation, a report shall be prepared and filed with the Executive Director and Chairman of the Authority detailing the findings of the investigation.

(5) If the purse money has been distributed, the stewards shall order the money returned at the conclusion of an investigation finding that a prohibited drug, medication, substance, or metabolic derivative was administered to a horse eligible for purse money.

(6) At the conclusion of testing by the Authority laboratory and split sample laboratory, the remaining portion of the samples at the Authority laboratory and split samples remaining at the test barn may be retained at a proper temperature at a secure facility approved and chosen by the Authority. If a report indicating a positive finding has been issued, the Authority shall use its reasonable best efforts to retain any remaining portion of the sample until legal proceedings have concluded. The Authority may freeze samples.

Section 19. Other Prohibited Practices. In addition to other prohibitions set forth in this administrative regulation, the following shall be prohibited:

(1) The possession or use of a drug, medication, or substance by a licensee, or his designee or agent, to a horse within a nonpublic area at a location under the jurisdiction of the Authority:

(a) The use of which may endanger the health and welfare of the horse; or

(b) The use of which may endanger the safety of the rider.

(2) Without the prior permission of the Authority or its designee, the possession or use of a drug, medication, or substance that has never been approved by the U.S. Food and Drug Administration (USFDA) for use in humans or animals at a location under the

jurisdiction of the Authority. The Authority shall determine whether to grant prior permission after consultation with the Equine Research Drug Council.

(3) The possession or use of the following blood-doping agents at a location under the jurisdiction of the Authority:

(a) Erythropoietin;

(b) Darbepoietin;

(c) Oxyglobin;

(d) Hemopure; or

(e) Any substance that abnormally enhances the oxygenation of body tissue.

(4) The practice, administration, or application of a treatment, procedure, or therapy which may:

(a) Endanger the health or welfare of a horse, or

(b) Endanger the safety of a rider.

(5) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy unless the following conditions are met:

(a) A treated horse shall not race for a minimum of ten (10) days following treatment;

(b) A veterinarian licensed to practice by the Authority shall administer the treatment;

(c) The Authority veterinarian shall be notified prior to the delivery of the machine on association grounds; and

(d) A report shall be submitted by the veterinarian administering the treatment to the Authority veterinarian on the prescribed form within twenty-four (24) hours of treatment. The form to be used is the "Kentucky Horse Racing Authority Veterinary Report of Horses Treated with Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy".

(6) The administration of an alkalizing substance that could alter the serum or plasma pH or concentration of bicarbonates or carbon dioxide in a horse within twenty-four (24) hours prior to post time for the race in which the horse is entered.

(7) Without the prior permission of the Authority veterinarian or his or her designee, based on standard veterinary practice for recognized conditions, the use of a nasogastric

tube which is longer than six (6) inches for the administration of any substance within twenty-four (24) hours prior to the post time of a race in which the horse is entered.

(8) A serum total carbon dioxide (TCO_2) level that exceeds 37.0 millimoles per liter in a horse; except no violation shall exist if the TCO_2 level is found to be normal for the horse following the quarantine procedure set forth in Section 20 of this administrative regulation.

(9) Possession or use of a blood gas machine by a person other than an authorized representative of the Authority at a location under the jurisdiction of the Authority; and

(10) Possession or use of a shock wave therapy machine or radial pulse wave therapy machine by anyone other than a veterinarian licensed by the Authority at a location under the jurisdiction of the Authority.

Section 20. TCO_2 Testing and Procedures. (1)(a) The stewards or Authority veterinarian may order the prerace or post-race collection of blood samples from a horse to determine the total carbon dioxide concentration in the serum or plasma of the horse. The winning horse and other horses, as selected by the stewards, may be tested in each race to determine if there has been a violation of this administrative regulation.

(b) Prerace testing shall be done at the reasonable time, place, and manner directed by the Authority veterinarian.

(c) A sample consisting of at least two (2) blood tubes shall be taken from a horse to determine the TCO_2 concentration in the serum or plasma of the horse. If the Authority laboratory determines that the TCO_2 level exceeds thirty-seven (37) millimoles per liter, the Executive Director of the Authority shall be informed of the positive finding.

(d) Split Sample testing for TCO_2 may be requested by an owner or trainer in advance of the collection of the samples by the Authority veterinarian; however, the collection and testing of a split sample for TCO_2 testing shall be done at a reasonable time, place, and manner directed by the Authority veterinarian.

(e) The cost of split sample testing, including the cost of shipping, shall be borne by the owner or the trainer.

(2)(a) If the level of TCO_2 is determined to exceed thirty-seven (37) millimoles per liter and the licensed owner or trainer of the horse certifies in writing to the stewards within twenty-four (24) hours after the notification of the test result that the level is normal for that horse, the owner or trainer may request that the horse be held in quarantine. If quarantine is requested, the licensed association shall make guarded quarantine available for that horse for a period of time to be determined by the stewards, but in no event for more than seventy-two (72) hours.

(b) The expense for maintaining the quarantine shall be borne by the owner or trainer.

(c) During quarantine, the horse shall be retested periodically by the Authority veterinarian.

(d) The horse shall not be permitted to race during a quarantine period, but it may be exercised and trained at times prescribed by the licensed association and in a manner that allows monitoring of the horse by an Authority representative.

(e) During quarantine, the horse shall be fed only hay, oats, and water.

(f) If the Authority veterinarian is satisfied that the horse's level of TCO_2, as registered in the original test, is physiologically normal for that horse, the stewards shall permit the horse to race. In such case, the stewards may require repetition of the quarantine procedure set forth in paragraphs (a) through (f) of this subsection to reestablish that the horse's TCO_2 level is physiologically normal.

Section 21. Postmortem Examination. (1) The Authority veterinarian may require a postmortem examination by a qualified designee of the Authority of a horse that dies or is destroyed at a location under the jurisdiction of the Authority.

(2) The Authority or its designee shall coordinate with the trainer or owner to determine and address any insurance requirements.

(3) The Authority veterinarian may take possession of a horse that dies or is destroyed for postmortem examination. The Authority veterinarian may submit saliva, blood, urine, and other samples and specimens collected during a postmortem examination for analysis. Upon completion of the postmortem examination, the remains may be returned to the owner or disposed of at the owner's option and expense. The Authority shall bear the cost of an autopsy that is required by the Authority.

(4) The presence of a prohibited drug, medication, substance, or metabolic derivative thereof in a specimen collected during the postmortem examination of a horse may constitute a violation of this administrative regulation.

Section 22. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Veterinarian Report of Horses Treated to be Submitted Daily, KHRA- 2 (8/97)";

(b) "Kentucky Horse Racing Authority Uniform Drug and Medication Classification Schedule (11/05)";

(c) "Kentucky Horse Racing Authority Veterinary Report of Horses Treated with Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy (12/05)"; and

(d) "Split Sample Chain of Custody Form (12/05)";

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Horse Racing Authority, 4063 Ironworks Parkway, Lexington, Kentucky 40511, Monday through Friday, 8 a.m. to 4:30 p.m.

LAJUANA S. WILCHER, Secretary

WILLIAM STREET, Chairman

APPROVED BY AGENCY: November 15, 2005

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